

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

REBECCA MYERS,  
Plaintiff,

v.

GARFIELD & JOHNSON ENTERPRISES, INC., et al.,  
Defendants

:  
: CIVIL ACTION  
:  
: No. 09-2569  
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**Order**

YOHN, J.

And now, this 14<sup>th</sup> day of January, 2010, upon careful consideration of defendant Jackson Hewitt's motion to dismiss Counts III through VI of the Amended Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) (Doc. # 7), plaintiff's memorandum of law in opposition to Jackson Hewitt's motion to dismiss (Doc. # 10), and Jackson Hewitt's reply thereto (Doc. # 12), it is hereby **ORDERED** that:

1. Jackson Hewitt's motion to dismiss Counts III, IV, and V is **DENIED**;
2. Jackson Hewitt's motion to dismiss Count VI is **GRANTED**, and Count VI of plaintiff's amended complaint is dismissed.

/s/ William H. Yohn Jr.  
William H. Yohn Jr., Judge